

EXHIBIT B

From: Sheh, Anthony <ASheh@wc.com>
Sent: Thursday, November 30, 2023 6:29 PM
To: Dean, Caitlin; Genevant Team; Arbutus_MoFo
Cc: #KEModernaSpikevaxService; Blumenfeld, Jack; Egan, Brian P.; Murray, Travis; 'kkeller@shawkeller.com'; 'nhoeschen@shawkeller.com'; *jshaw@shawkeller.com
Subject: RE: Arbutus v. Moderna, 1-22-cv 00252 - Moderna's RFP No. 106

This message is from an EXTERNAL SENDER

Be cautious, particularly with links and attachments.

Caitlin,

We've repeatedly explained the challenge and burden on our end regarding INDs due to the lack of a centralized database of regulatory submissions. The burden of conducting a search among loose files is both undue and disproportionate relative to the minimal relevance that Moderna has identified to date.

Nevertheless, Plaintiffs will agree to conduct a reasonable and proportionate search for IND documents that you requested in your November 29, 2023 email within the scope of the asserted patents—as we have flagged before, we can make no guarantees that we will be able to locate a complete set of responsive documents, the draft or final status of the documents, whether they were ever submitted to FDA, etc. We are unsure of exactly when we will be able make a production, but will work diligently to provide what we can responsive to Moderna's request.

We understand that it remains Moderna's position that it refuses to search for its own INDs within the scope of the asserted patents responsive to Plaintiffs' RFPs 164–167 despite (1) those documents being readily available in a regulatory document database, (2) Moderna's repeated insistence that Plaintiffs produce equivalent documents, and (3) Plaintiffs' previously expressed willingness to narrow these RFPs to remove Module 5. Plaintiffs intend to seek the Court's assistance to obtain these highly relevant documents.

Best,
Tony

Anthony Sheh | Associate | Williams & Connolly LLP | (202) 434-5436 | [vcard](#)

From: Dean, Caitlin <caitlin.dean@kirkland.com>
Sent: Wednesday, November 29, 2023 5:27 PM
To: Sheh, Anthony <ASheh@wc.com>; Genevant Team <GenevantTeam@wc.com>; Arbutus_MoFo <Arbutus_MoFo@mofo.com>
Cc: #KEModernaSpikevaxService <KEModernaSpikevaxService@kirkland.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Egan, Brian P. <began@morrisnichols.com>; Murray, Travis <tmurray@morrisnichols.com>; 'kkeller@shawkeller.com' <kkeller@shawkeller.com>; 'nhoeschen@shawkeller.com' <nhoeschen@shawkeller.com>; *jshaw@shawkeller.com <jshaw@shawkeller.com>
Subject: Arbutus v. Moderna, 1-22-cv 00252 - Moderna's RFP No. 106

Counsel,

Pursuant to your offer to compromise on yesterday's meet-and-confer regarding Moderna's RFP No. 106, will Plaintiffs agree to produce INDs sponsored by Plaintiffs or their predecessors for products within the scope of the Patents-in-Suit excluding Module 5? As you know, Moderna agreed to produce FDA filings for the Accused Product, including correspondence and all Modules except Module 5. Please let us know or confirm that the parties are at an impasse by Friday, December 1, 2023.

Best,
Caitlin

Caitlin Dean

KIRKLAND & ELLIS LLP

601 Lexington Ave, New York, NY 10022
T +1 212 909 3099 **M** +1 929 262 2212
F +1 212 446 4900

caitlin.dean@kirkland.com

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